

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

DAVID C. PORTER,

Plaintiff,

v.

CASE NO. 2:08-cv-00296

MICHAEL J. ASTRUE,

Commissioner of Social Security,

Defendant.

J U D G M E N T   O R D E R

In accordance with the MEMORANDUM OPINION entered this day, it is hereby **ORDERED** as follows:

- (1) Plaintiff's Motion for Judgment on the Pleadings is **GRANTED** to the extent Claimant seeks remand and otherwise is **DENIED**; and
- (2) The final decision of the Commissioner is **REVERSED**; and
- (3) This matter is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the Memorandum Opinion entered this day; and
- (4) This action is **DISMISSED** from the docket of this court.

The Clerk is directed to transmit copies of this Order to all counsel of record.

**ENTER:** August 6, 2009

  
Mary E. Stanley  
United States Magistrate Judge